

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MANHATTAN

JUSTIN ABBOTT,

Plaintiff,

Case No.: 1:18-cv-07770

-vs-

REINAUER TRANSPORTATION COMPANIES,
LLC,

Defendant.

FIRST AMENDED COMPLAINT

NOW COMES Plaintiff, by and through counsel undersigned, O'BRYAN BAUN KARAMANIAN, complaining against Defendant as follows:

1. Jurisdiction and venue lie in this action, Defendant conducting business within this forum's boundaries.

COUNT I

2. Jurisdiction is founded under the Jones Act (46 USCA 30104) for negligence, and under the General Maritime Law for unseaworthiness, maintenance, cure, and wages.

3. At all times material to issues herein, Plaintiff served as an employee of Defendant serving as a crewmember aboard its vessels, with all acts and/or omissions giving rise to this action occurring in the course of Plaintiff's employment in the service of his ship.

4. On or about February 28, 2018, while in the process of docking the RTC 104, for reasons including but not limited to, there not being enough spectra line for an incompatible winch, it was necessary that Plaintiff pull on said line when it became pinched as a result thereof and acted in a reverse motion whereby Plaintiff suffered injury to his shoulder whereafter Defendant refused,

neglected, and/or otherwise did not, provide Plaintiff with necessary medical care, including mileage payments, in violation of the general maritime law, thereby, imperiling, aggravating and/or prolonging the underlying injury.

COUNT II

5. Plaintiff incorporates by reference the foregoing allegations.

6. In violation of its general maritime law obligations and in retaliation for the commencement of this action and/or anticipation thereof, Defendant terminated Plaintiff's employment.

DAMAGES

7. Defendant's tortious acts aforesaid caused or contributed to Plaintiff's damages, **inter alia**, as follows:

- a. Pain and suffering, past future;
- b. Mortification, humiliation, fright shock and embarrassment;
- c. Loss of earnings and earning capacity;
- d. Hospital, pharmaceutical and other cure expenses;
- e. Aggravation of prior condition, if any there be;
- f. Inability to engage in social, recreational, and other pursuits previously enjoyed;
- g. Mental anguish;
- h. Foud;
- i. Maintenance, cure, wages and/or attorney fees.

WHEREFORE, Plaintiff demands trial by jury and judgment against Defendant, together with interest, costs, attorney fees and expenses, all to be methodically adjusted upwards during the pendency of this cause.

O'BRYAN BAUN KARAMANIAN

/s/ Dennis M. O'Bryan

DENNIS M. O'BRYAN

Attorneys for Plaintiff

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DATED: September 12, 2018

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Defendant.

RELIANCE ON PREVIOUSLY FILED DEMAND FOR TRIAL BY JURY

NOW COMES Plaintiff by and through counsel undersigned, O'BRYAN BAUN KARAMANIAN, and hereby relies on his previously filed demand for trial by jury in the above-referenced cause of action.

O'BRYAN BAUN KARAMANIAN

/s/ Dennis M. O'Bryan

DENNIS M. O'BRYAN

Attorneys for Plaintiff

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Dated: September 12, 2018